IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23772 of 2004

Between:

1. M/s. Murthy Gas Sales & Service Centre,

HP Gas Distributor, # 4-4-22, Saipriya Complex,
Woodpeta, Anakapalle-531 001, Visakhapatnam District.
being rep. by its Proprietor.
2 Sri B. Radhakrishna Murthy, S/o. Basaveswara Rao,
R/o. of Anakapelle, Visakhapatnam District.

..... PETITIONERS

AND

M/s. Hindustan Petroleum Corporation Ltd.,

(A Govt of India Enterprises)Being rep. by its Chief Regional Manager, Viskh LPG- Regional Office Malkapuram, Visakhapatnam Sri P.V.S. Murthy.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned proceedings
dt. 17.12.2004 stopping supply of refills (GAs Cylinders) to the petitioner distributor, and not allowing to continue the works in the godown and showroom from 18.12.2004 and high handedly putting seal on the lock of me to the godown as illegal a arbitrary capricious, unjust, unwarranted and violative of principles of natural justice, fair play and without jurisdiction during the subsistence of dealership of the petitioner and consequently to direct the respondent to allow

the petitioner to carry on the works in the godown and showroom in terms of the direction dt. 22.11.2004 and continue supply of the refills to enable the petitioner to carry on the business or to pass any other order.

Counsel for the Petitioners: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: MR.D.V.SITARAMAMURTHY

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23772 of 2004

ORDER:

Heard the learned counsel for the petitioners and the learned standing counsel for the respondent-Corporation.

2. When the matter is taken up for hearing, learned counsel for the petitioners submitted that the petitioner would carry out the repairs of the godown within one month after observing necessary safe practices and before undertaking any civil works.

3. The learned standing counsel for the respondent-Corporation submitted that the Corporation does not have any objection for carryout the repairs of the godown. He further submitted that all the equipment in the godown shall be handed over to the respondent-Corporation before taking the civil works and the cylinders will be returned to the petitioner after the inspection to be conducted by the officials, and order for supply of refills (Gas Cylinders) will be issued thereafter.

4 . Recording the submissions made by the learned counsel for the parties, the writ petition is disposed of. It is made clear that the authorities of the respondent-Corporation shall take steps for removing the seals for the purpose of handing over the explosive subsistence to the respondent-Corporation. In the circumstances, there shall be no order as to costs.

_____

December 30, 2004

Note:

Issue C.C. today.

B/o.

Kvr.

To

1. The Chief Regional Manager,

M/s. Hindustan Petroleum Corporation Ltd.,

(A Govt of India Enterprises)The Chief Regional Manager, Viskh LPG- Regional Office Malkapuram, Visakhapatnam Sri P.V.S. Murthy.

2. 2 C.D copies.